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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,966	11/07/2001	Ignacio Sanz-Pastor	22503-05565	3416
758 7590 08/17/2009 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041				
EXAMINER				
LASTRA, DANIEL				
ART UNIT		PAPER NUMBER		
3688				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/007,966

**Applicant(s)**

SANZ-PASTOR ET AL.

**Examiner**

DANIEL LASTRA

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 65-80 and 82-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 65-80 and 82-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 65-80 and 82-86 have been examined. Application 10/007,966 (INTERACTIVE ADVERTISING WITH AN AUTOMATED VIEWING REWARD SYSTEM) has a filing date 11/07/2001 and Claims Priority from Provisional Application 60247473 (11/08/2000).

**Response to Amendment**

2. In response to Final Rejection filed 12/19/2008, the Applicant filed an RCE on 05/17/2009, which amended claims 65, 67, 72, 78, 80, 85, cancel claims 22-27, 30-36, 81 and added new claim 86.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 65-67, 73-74, 78-80, 82 and 85-86 are rejected under 35 U.S.C. 102(b) as being anticipated by Blahut (US 5,532,735).

Claims 65 and 85, Blahut teaches:

A method for providing interactive advertising comprising:

receiving video programming content and advertisements (see figure 4);  
displaying to a viewer at least a portion of the received video programming content (see col 2, lines 1-20);

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automatically displaying to the viewer at least one of the received advertisements in addition to the displayed video programming content (see col 2, lines 1-10);

receiving after a first amount of time a request from the viewer to stop displaying the displayed advertisement (see col 5, lines 25-35);

responsive to the received request, stopping the display of the advertisement (see col 5, lines 25-35); and

awarding value to the viewer *the value prorated according to an amount of the advertisement displayed during the first amount of time (see col 5, lines 50-67).*

Claim 66, Blahut teaches:

wherein the received video programming has an associated cost to the viewer, and awarding value to the viewer further comprises crediting the viewer for at least a portion of the cost (see col 5, lines 60-67).

Claim 67, Blahut teaches:

automatically displaying to the viewer for a second amount of time a second advertisement in addition to the displayed video programming content and the first advertisement (see figure 4);

awarding value to the viewer *the value prorated according to an amount of the advertisement displayed during the second amount of time (see col 5, lines 60-67)*

Claim 73, Blahut teaches:

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wherein the received video programming content is displayed to the viewer in response to a request from the viewer for the content (see col 6, lines 1-10).

Claim 74, Blahut teaches:

wherein receiving video programming content further comprises receiving a video stream over a network (see figure 4).

Claim 78, Blahut teaches:

A method for providing interactive advertising comprising:

receiving video programming content and advertisements (see figure 4);

displaying to a viewer at least a portion of the received programming content (see col 6, lines 1-10);

automatically displaying to the viewer at least one of the received advertisements in addition to the displayed video programming content (see figure 4); and

awarding value to the viewer *the awarded value prorated according to an amount of the advertisement displayed (see col 5, lines 55-67).*

Claim 79, Blahut teaches:

wherein the received video programming has an associated cost to the viewer, and awarding value to the viewer further comprises crediting the viewer for at least a portion of the cost (see col 5, lines 55-67).

Claim 80, Blahut teaches:

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automatically displaying to the viewer a second advertisement awarding value to the viewer *the awarded value prorated according to an amount of the second advertisement displayed (see col 5, lines 35-65)*

Claim 82, Blahut teaches:

wherein receiving video programming content further comprises receiving a video stream over a network (see figure 4).

Claim 86, Blahut teaches:

A method for providing interactive advertising comprising:

receiving video programming content and advertisements (see figure 4);

displaying to an access device of a viewer at least a portion of the received video programming content (see col 2, lines 1-20);

automatically displaying to the access device of the viewer a plurality of the received advertisements interspersed with the displayed video programming content (see figure 4); and

awarding value to the viewer according to a number of interspersed advertisements displayed to the access device of the viewer (see col 5, lines 50-67).

#### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 68-72, 75-77 and 83-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut (US 5,532,735).

Claim 68, Blahut does not teach:

wherein the second advertisement is targeted to the viewer according to the viewer's usage history. However, Official Notice is taken that it is old and well known in the promotion art to target ads to users based upon viewing history. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Blahut would modify his invention in order to target ads to user based upon said user's viewing history as it is old and well known to do so.

Claim 69, Blahut does not teach:

wherein the viewer's usage history includes data describing which advertisements have previously been skipped by the viewer. However, Official Notice is taken that it is old and well known in the promotion art to monitor the ads viewed by users in order to target ads to said users. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Blahut would modify his invention in order to target ads to user based upon said user's viewing history as it is old and well known to do so.

Claim 70, Blahut does not teach:

wherein the second advertisement is targeted to the viewer according to the viewer's demographics. However, Official Notice is taken that it is old and

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well known in the promotion art to target ads based upon viewer's demographics. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Blahut would modify in invention in order to target ads to user based upon said user's demographics as it is old and well known to do so.

Claim 71, Blahut teaches:

receiving a request from the viewer to stop the display of the second advertisement; and responsive to receiving the request, stopping the display of the second advertisement (see col 5, lines 25-35).

Claim 72, Blahut teaches:

wherein each advertisement has an associated value, and awarding value to the viewer includes awarding the prorated value associated with each advertisement displayed to the viewer (see col 5, lines 40-50).

Claims 75 and 83, Blahut does not teach:

wherein receiving video programming content further comprises receiving a physical medium including the content. However, Official Notice is taken that it is old and well known in the promotion art to provide CDRoms to users containing video programs such as movies. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Blahut would modify his invention in order to transmit video content over a physical medium, as it is old and well known to do so.

Claims 76 and 84, Blahut teaches:



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wherein receiving advertisements further comprises receiving advertisements over a network (see figure 1).

Claim 77, Blahut does not teach:

wherein the value awarded to the viewer depends at least in part on the time of day at which the advertisement is displayed. However, Official Notice is taken that it is old and well known in the promotion art to charge different advertisements fees based upon the time of day said advertisements are displayed. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Blahut would modify his invention in order to provide a bigger credit to a user that views ads at time of the day where displaying said ads would be more profitable for a content provider.

### ***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT A WEINHARDT can be reached on (571)272-6633. The official Fax number is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/  
Examiner, Art Unit 3688  
August 15, 2009